

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

April 5, 2004

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

Nos. 03-1123, 03-1122 and 03-1124

INDIANA BELL TELEPHONE COMPANY,
INCORPORATED d/b/a Ameritech Indiana,
Plaintiff-Appellant, Cross-Appellee,
v.

Appeals from the United States
District Court for the Southern
District of Indiana,
Indianapolis Division.

WILLIAM D. MCCARTY, DAVID W. HADLEY, and
DAVID E. ZEIGNER, in their capacity as
Commissioners of the Indiana Utility Regulatory
Commission and not as individuals,
Defendants-Appellees, Cross-Appellants,

No. 01 C 1690

Larry J. McKinney,
Chief Judge.

and

AT&T COMMUNICATIONS OF INDIANA, GP, and
TCG INDIANAPOLIS,

Defendants-Appellees, Cross-Appellants.

ORDER

The slip opinion issued in the above-entitled cause on March 5, 2004, is amended as follows:

Page 20, Section 2, first sentence, beginning at the fourth line, delete “in derogation of the Act” and replace with “was in error.”

Further, on consideration of the petition for rehearing and petition for rehearing *en banc*, no judge in active service has requested a vote on the petition for rehearing *en banc*¹ and all of the judges on the original panel have voted to deny rehearing. It is, therefore, ORDERED that rehearing and rehearing *en banc* are DENIED.

¹Chief Judge Joel M. Flaum, Judge Kenneth F. Ripple, Judge Ilana Diamond Rovner and Judge Ann Claire Williams did not participate in the consideration of this petition.